

*Laws of Her Majesty's Province of United Canada*, passed in the year 1852. Quebec: Stewart Derbyshire and George Desbarts, 1852.

16 Victoria – Chapter 256

**An Act to enable the Directors of The Grand River Navigation Company to place the said Navigation under the control and management of the Provincial Government, under certain conditions. Assented to 14th June, 1853.**

Whereas the Directors of The Grand River Navigation Company, incorporated by the Act of the Parliament of Upper Canada, passed in the second year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to incorporate a Joint Stock Company to improve the Navigation of the Grand River*, have prayed that the said Navigation and the works therewith connected be placed under the control and management of the Provincial Government, in the manner hereinafter mentioned; And whereas it would be greatly for the benefit of the said Company, and of the inhabitants of the several Municipalities in the vicinity of the said works, if the said Navigation should be completed and open to public use, under the supervision of the Provincial Government: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for the Directors of the said Grand River Navigation Company, or any three or more of them, to call a meeting of the Stockholders of the said Company, to be held at Brantford at any time not less than one month nor more than twelve months after the passing of this Act, such meeting to be called by advertisement to be inserted by the Directors calling the same, in two or more newspapers published weekly in the Counties of Brant and Haldimand, the first insertion thereof being at least twenty days before the day appointed for the meeting, and the said advertisement being inserted in each such newspaper on at least two different days of publication.

II. And be it enacted, That at the said meeting some one of the Directors of the said Company shall preside, and if there be more than one such Director present, then one of the Directors appointed by the Governor to act on behalf of the Six Nation Indians, shall preside, or if no such Director be present, then such one of them as shall be called upon to preside, by a majority of votes of the Stockholders present at the commencement of the proceedings at such meeting, voting in the manner hereinafter mentioned; and at such meeting the question shall be put, whether the said Navigation and all the works therewith connected shall or shall not be placed under the control and management of the Government of this Province in the manner and subject to the conditions hereinafter mentioned; and upon such question the Stockholders and Proxies present shall vote in the manner provided by the Act incorporating the Company; Provided always, that inasmuch as three fourths of the Stock of the Company is held in trust for the benefit of the Six Nation Indians, the decision so come to by the said Shareholders, if in the affirmative, shall not be valid or binding until ratified and confirmed by the Governor as Trustee for the said Six

Nation Indians, and the Director presiding at the said meeting of the Stockholders shall accordingly forthwith after such meeting, communicate the decision of the Stockholders thereat to the Governor through the Secretary of the Province.

III. And be it enacted, That if the decision of the Stockholders shall be so ratified and confirmed by the Governor, the Secretary of the Province shall forthwith notify such ratification and confirmation to the Director presiding at such meeting, who shall thereupon communicate the decision of the Stockholders to place the said Navigation and Works under the control and management of the Provincial Government, and the ratification and confirmation of such decision by the Governor, to the Wardens of the Counties of Brant and Haldimand, and thereupon it shall be lawful for the County Councils of the said Counties and for the several Municipalities within such Counties, respectively, and for each of them, by a By-law or By-laws to be passed for that purpose, under and subject to the provisions of the Act passed during the present Session, and intituled, *An Act to establish a Consolidated Municipal Loan Fund for Upper Canada*, to authorize any sum of money not exceeding One Hundred and Fifty Thousand Pounds to be raised on the credit of the *Consolidated Municipal Loan Fund of Upper Canada*, and to any such Loan all the provisions of the Act last aforesaid shall apply, except in so far only as shall be inconsistent with the express provisions of this Act.

IV. And be it enacted, That when and so soon as a By-law or By-laws shall have been passed by the said Municipal Councils, or any of them, and approved by the Governor in Council, authorizing the raising of any sum or sums not exceeding in the aggregate the said sum of One Hundred and Fifty Thousand Pounds, then, if the Governor in Council shall consider such sum sufficient to complete the works in the manner hereinafter mentioned, and to pay the liabilities of the said Grand River Navigation Company, and that such sum ought to be raised under such By-laws for the said purposes, it shall be lawful for the Governor to issue a Proclamation under the Great Seal of the Province, declaring the same, and upon, from and after the day of the date of such Proclamation, the said Navigation and all the Works therewith connected belonging to the said Company, and all the rights and privileges of the said Company shall, by virtue of this Act, be vested in the Crown, for the objects and purposes herein mentioned, and the said Navigation and Works shall be under the control and management of the Commissioners of Public Works, subject to the orders and regulations to be made by the Governor in Council; and the said Commissioners and the Governor in Council shall also have the same powers with respect to them, as with respect to other Public Works: Provided always, that the tolls to be taken on the said Navigation and the Welland Canal from Brantford to Lake Ontario, shall never exceed those charged on the Welland Canal from Lake Erie to Lake Ontario, nor shall the tolls charged on the said Navigation and Canal from Brantford to Lake Erie exceed those charged on the said Welland Canal from Lake Ontario to Lake Erie.

V. And be it enacted, That the moneys to be raised by the Receiver General on the credit of the said "Consolidated Municipal Loan Fund," under any By-law or By-laws to be passed under the authority of this Act, shall be applied to the purpose of defraying the expenses to be incurred by the Commissioners of Public Works in carrying this Act into effect, and the said Commissioners shall improve and continue the said Navigation of the Grand River and other work's which the said

Company were authorized to construct and perform, from Cayuga to the Town of Brantford, so as to ensure a depth of water not less than four feet throughout the whole distance; Provided always, that nothing herein contained shall be construed to authorize the application of any public moneys of the Province to the purposes aforesaid; Provided also, that the moneys to be borrowed under the authority of this Act, shall be applied to pay the debts due by the said Grand River Navigation Company, and to complete the said Works and Navigation, and to no other purpose whatever; unless any part thereof may be required, in addition to the tolls and revenue arising from the said works, towards defraying the expenses of management.

VI. And be it enacted, That the tolls, revenue and income arising from the said Navigation and Works shall be applied: 1st. To defray the expenses of managing the said works, and of making and repairing the said Navigation and Works, and of completing the same: 2ndly. To the payment of the interest and principal of the Debentures to be issued under the authority of this Act, for raising such moneys as aforesaid: 3rdly. To the payment of dividends to the Stockholders of the said Company in proportion to their respective Shares.

VII. And be it enacted, That separate accounts shall be kept by the proper Officers, of the moneys received and expended under this Act, to the end that the rights of all parties under it may, at all times, be clearly ascertained.

VIII. And be it enacted, That the owner or owners of any mill, store-house or other erection on the Grand River Navigation, who shall have impeded or may hereafter impede the free and full use of the said Navigation by any erections or works now made or which may hereafter be made on any lands owned by or that have been taken possession of by the said Company, shall make, at his or their expence, a good and substantial towing path around such erections or works, extending from the shore below to the shore above the said erections or Works, such towing path to be not less than ten feet in width, and so made that horses may pass along the same with ease and convenience, and without its being necessary to remove the towing line, and such towing paths shall be made within six months after the passing of this Act.

IX. And be it enacted, That the provisions of the foregoing Section shall apply to any bridge or other work which has been or may hereafter be made by any County, Township, Town or Village, Municipality or Incorporated Company.

X. And be it enacted, That the owner or owners of any saw-logs, timber, planks or boards, whether single or in rafts, shall not allow the same to remain in the channel so as to impede the free and full use of the said Navigation, nor shall the owner of any saw-mill allow any slabs, saw-dust or other rubbish to escape from such saw-mill or other erection into the said Navigation; Provided that in order the more effectually to prevent the same, the owner or owners of any such saw-mill or other erection, shall make tight floors in such saw-mills or erections, and such saw-dust or other rubbish, as it may accumulate in such saw-mills, shall be removed to the shore from time to time, by the owners or occupiers of such mills.

XI. And be it enacted, That any person or persons contravening any of the provisions of the eighth and tenth Sections of this Act shall, upon conviction, thereof in a summary way before any Justice of the Peace in or near the place where the injury shall have been done, be sentenced to pay all damages sustained by such Company, to be ascertained by the said Justice upon the hearing of the said complaint, and also to pay a fine of not more than Fifty Shillings nor less than Five Shillings; such damages and fine to be paid within a time to be limited by the said Justice, and in default thereof, the same shall be levied as next hereinafter is provided.

XII. And be it enacted, That the fines and forfeitures authorized to be summarily imposed by this Act, shall and may be levied and collected by distress and sale of the offender's goods and chattels, under the authority of any Warrant or Warrants of Distress for that purpose to be issued by the Justice before whom the conviction shall have been had; and in case there shall not be sufficient goods and chattels to satisfy such Warrant or Warrants, such offender or offenders shall and may be committed to the Common Gaol of the County for any period not exceeding one month.

XIII. And be it enacted, That in all cases it shall be lawful for the Master or person in charge of a vessel using such Navigation, and he is hereby required, at any port or ports on the said Navigation at which such vessel shall enter, to make affidavit before the Collector of Customs, to the effect that the Bill of Lading of such vessel passing through the said Navigation, contains a true and correct statement of the cargo of such vessel: and any wilfully false affidavit to a Bill of Lading, shall be held to be wilful and corrupt perjury.

XIV. And be it enacted, That in the event of the said Municipalities not authorizing the raising of the said sum of One Hundred and Fifty Thousand Pounds or so much thereof as may be necessary for the purposes of this Act, it shall be lawful for the Stockholders of the said Grand River Navigation Company, at any meeting to be called for that purpose, by a majority of votes to be given as aforesaid, to authorize the Directors of the said Company to sell and transfer, or agree to sell and transfer, the said Navigation and all the property, rights and appurtenances belonging to the said Company to any Corporation, Municipality, individual or individuals associated together, on such terms as may be agreed upon by such meeting of Stockholders, and any such Corporation, Municipality, individual or number of individuals associated together, shall have power to make such purchase and take such transfer, either absolutely or by way of mortgage; and such transfer, being executed by the majority of the Directors under the Corporate Seal of the Company, shall have the effect of vesting in the purchaser as aforesaid, all and every the rights, powers and privileges of the said Grand River Navigation Company; Provided always, that it shall not be competent for the Directors to complete or execute any such sale or transfer until the Governor shall have confirmed and sanctioned the same.

XV. And be it enacted, That it shall be lawful for any Municipality or Municipalities of the Counties aforesaid, with the consent of the Governor, to purchase the Stock now held by the Six Nation Indians in the Grand River Navigation Company, on such terms as may be agreed upon between the Governor and the Municipality or Municipalities desiring to purchase the same, and that in the event of such sale being effected to them or to any other parties, the Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, intituled, *An Act to amend, the Law*

*regulating the Election of Directors of the Grand River Navigation Company*, shall be thereby repealed, and the powers given to the Governor by the second and fourteenth Sections of this Act shall thenceforth cease and determine, and the purchasers of the said Indian Stock shall be entitled to the number of votes, as provided by the Act first cited in the Preamble to this Act, in proportion to the number of shares so acquired by them, and moreover that should any Municipality or Municipalities become such purchasers, they shall not be subject to the limitation in regard to the number of votes contained in the proviso attached to the Section of the said Act thereunto relating.

XVI. And be it enacted, That this Act shall be deemed a Public Act.